

REMARKS

The present amendment and an associated Request for Continued Examination (RCE) are timely filed, as being filed within the two month period following the Notice of Appeal filed April 20, 2006.

Claims 1, 7, 21, and 26 are amended, and claims 2-6, 8-13, 16-17, 20, and 22-25 are canceled, without prejudice or disclaimer. Claims 1, 7, 14-15, 18-19, 21, and 26 are pending.

The amendments to the claims are based on the application as originally filed, so it is respectfully submitted that no new matter has been added.

In the office action, the drawings were objected to under 37 C.F.R. § 1.83(a) as to a “sheath zipper”, “continuous affixing means”, and “zipper affixing means”. Claim 12, which mentions a zipper of a sheath, has been canceled, and the remaining claims do not recite such features as “sheath zipper”, “continuous affixing means”, and “zipper affixing means”.

Accordingly, reconsideration and withdrawal of the objection to the drawings are respectfully requested.

In the office action, claims 4, 16-17, and 23-25 were rejected under 35 U.S.C. § 112, first paragraph.

Claims 4, 16-17, and 23-25 have been canceled.

However, independent claims 1, 21, and 26 have been amended to recite the subject matter of claim 4, including a constant force spring. It is respectfully that the application as originally filed does disclose and support the recitation of a “constant force spring”.

In the published U.S. application publication number US 2005/0045284 A1, corresponding to the present application, paragraphs [0051] and [0052] state “[0051] The term ‘biasing means’ in accordance with the present invention should be understood to include a means that causes the flexible material to move from an extended state to a compact or retracted position. This, for example, could include a strip which is under toroidal tension when in an extended state, e.g., elastic rubber or a tensioned metal strip such as a spring or a constant force spring. However, these are listed by way of example only and should not be seen to be limiting in any way.

[0052] In some embodiments, the biasing means is a constant force spring.” (emphasis added).

In addition, FIGS. 1-2 show the biasing means 5, and paragraph [0106] states that “The biasing means 5 by way of example only includes a spring, with particular reference to a varied force spring, but this example should not be seen to be limiting in any way” (emphasis added).

Accordingly, since paragraphs [0051], [0052], and [0106] of the present application as originally filed clearly recite the use of a constant force spring as in amended claims 1, 21, and 26, reconsideration and withdrawal of the rejection of claims 4, 16-17, and 23-25 under 35 U.S.C. § 112, first paragraph are respectfully requested.

In the office action, claims 1-4, 8-11, 14, and 20-21 were rejected under 35 U.S.C. § 102(b) in view of McVicker; claims 1-3, 14, and 20-21 were rejected under 35 U.S.C. § 102(b) in view of Kim; claims 4-9 and 22 were rejected under 35 U.S.C. § 103(a) in view of Kim; claims 15 and 18 were rejected under 35 U.S.C. § 103(a) in view of McVicker and Crider et al.; claim 19 was rejected under 35 U.S.C. § 103(a) in view of McVicker and Eckels; and claim 16 was rejected under 35 U.S.C. § 103(a) in view of McVicker, Crider et al., and Karaki.

However, it is stated that claims 12 and 13 are objected to but would be allowable if rewritten in independent form.

Claims 2-6, 8-13, 16-17, 20, and 22-25 have been canceled, without prejudice or disclaimer.

In addition, independent claims 1, 21, and 26 have been amended to recite the allowable subject matter of claim 13, as well as the intervening canceled claims 2-4, 8-9, and 11.

Accordingly, independent claims 1, 21, and 26 are allowable.

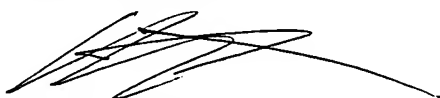
Claims 7, 14-15, and 18-19 depend from amended independent claim 1, and so include the recitation of amended claim 1. Therefore, claims 7, 14-15, and 18-19 are also allowable.

Therefore, all pending claims 1, 7, 14-15, 18-19, 21, and 26 are patentable over the art of record, so reconsideration and withdrawal of the rejection of pending claims 1, 7, 14-15, 18-19, 21, and 26 are respectfully requested.

Accordingly, entry and approval of the present amendment and allowance of all pending claims are respectfully requested.

In case of any deficiencies in fees by the filing of the present amendment, the Commissioner is hereby authorized to charge such deficiencies in fees to Deposit Account Number 01-0035.

Respectfully submitted,



Anthony J. Natoli
Registration number 36,223
Attorney for applicant

Date: June 20, 2006

ABELMAN, FRAYNE & SCHWAB
666 Third Ave., 10th Floor
New York, NY 10017-5621
(212) 949-9022